

ASCCC OERI Resolutions for Consideration at the ASCCC 2022 Fall Plenary Session

Introduction

This excerpt of OERI-authored resolutions from the Resolutions for Consideration at the ASCCC 2022 Fall Plenary Session has been created to simplify accessing these resolutions for local OER advocates. A separate document, [2022 Fall OERI Resolutions Overview](#), has been developed that provides a brief overview of the resolutions. If you have any questions, or there is more that the OERI can do support your local advocacy efforts, [please let us know](mailto:oeri@asccc.org). (oeri@asccc.org)

Access all resolutions to be debated at the ASCCC 2022 Fall Plenary Session (November 3 – 5) on the [ASCCC 2022 Fall Resolutions](https://www.asccc.org/resolutions-fall-2022) page. (https://www.asccc.org/resolutions-fall-2022)

Consent Calendar

Resolutions may be placed on the Consent Calendar by the Resolutions Committee for any of the following criteria: 1) believed noncontroversial, 2) do not potentially reverse a previous position of the Academic Senate, 3) do not compete with another proposed plenary session resolution. Resolutions and any subsequent clarifying amendments that meet these criteria have been included on the Consent Calendar. If an amendment is submitted that proposes to substantially change a resolution on the Consent Calendar, that resolution will be removed from the Consent Calendar.

To remove a resolution from the Consent Calendar, please see the Consent Calendar section of the Resolutions Procedures for the plenary session. Reasons for removing a resolution from the Consent Calendar may include moving of a substantial amendment, a desire to debate the resolution, a desire to divide the motion, a desire to vote against the resolution, or even a desire to move for the adoption by the body by acclamation.

The following legend has been used to identify consent calendar items, new resolutions, and new amendments:

- Consent Calendar resolutions and amendments are marked with *
- Resolutions and amendments submitted at Area Meetings are marked with +

ASCCC OERI-Developed Resolutions

***07.04 F22 Establishing an Effective and Sustainable Zero Textbook Cost Program**

Whereas, California Education Code §78052¹ states that community colleges must “[d]evelop degrees with consideration for sustainability after grant funding is exhausted, including how content is updated and presented,” suggesting that the California Community Colleges Chancellor’s Office should discourage colleges from employing unsustainable mechanisms to establish degrees such as buying textbooks for students or implementing automatic billing or inclusive access that may cause financial and psychological trauma to students;

¹ California Education Code §78052:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=78052.

Whereas, The Academic Senate for California Community Colleges recognizes that open educational resources (OER) are “the preferred and most sustainable mechanism for eliminating course costs”² and that it should “work with the California Community Colleges Chancellor’s Office, as part of the Zero-Textbook-Cost Degree Program, to establish the funding and process necessary to ensure that Zero Textbook Cost (ZTC) resources will remain current and relevant beyond the 2027-reporting deadline established in California Education Code §78052,”³ thereby showing the faculty commitment to ZTC and OER sustainability; and

Whereas, The California Community Colleges Chancellor’s Office must follow California Education Code §78052 in implementing the Zero Textbook Cost Program, but the law does not prohibit or discourage consultation or partnership with the Academic Senate for California Community Colleges in designing and implementing the program;

Resolved, That the Academic Senate for California Community Colleges (ASCCC) urge the California Community Colleges Chancellor’s Office to consult and partner with ASCCC in designing and implementing California Education Code §78052⁴ to ensure the practicality, feasibility, and viability of the Zero Textbook Cost Program.

***+07.08 F22 Establishing Consistent Definitions for Course Resources**

Whereas, Provisions of the Higher Education Opportunity Act require each institution of higher education receiving federal financial assistance to “disclose, on the institution’s Internet course schedule and in a manner of the institution’s choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule”⁵;

Whereas, California Education Code §66406.9 requires that California community colleges “clearly highlight, by means that may include a symbol or logo in a conspicuous place on the online campus course schedule, the courses that exclusively use digital course materials that are free of charge to students”⁶ and California Education Code §78052 defines zero-textbook-cost degrees as “community college associate degrees or career technical education certificates earned entirely by completing courses that eliminate conventional textbook costs by using alternative instructional materials and methodologies”⁷;

Whereas, California Code of Regulations, title 5, §59402 states that required instructional materials “means any materials which a student must procure or possess

² Resolution F21 03.05 Zero Means Zero Textbook Cost: <https://www.asccc.org/resolutions/zero-means-zero-textbook-cost>.

³ Resolution S22 07.02 Ensure the Sustainability of the Zero-Textbook-Cost Degree Program: <https://www.asccc.org/resolutions/ensure-sustainability-zero-textbook-cost-degree-program>.

⁴ California Education Code §78052: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=78052.

⁵ Pinhel, R. (2008). *Higher education opportunity act of 2008*. <https://www.cga.ct.gov/2008/rpt/2008-R-0470.htm>.

⁶ California Education Code §66406.9: <https://codes.findlaw.com/ca/education-code/edc-sect-66406-9.html>.

⁷ California Education Code §78052: <https://codes.findlaw.com/ca/education-code/edc-sect-78052/>.

as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve the required objectives of a course”⁸ establishing “instructional materials” as inclusive of textbooks, supplemental materials, and course supplies required to achieve course objectives but not included in the federal requirement of the costs required to be displayed in an institution’s Internet course schedule; and

Whereas, Discussions regarding approaches to minimizing the costs associated with attending college and legislation related to course cost transparency should clearly differentiate between the costs of textbooks and supplemental materials (the focus of the Higher Education Opportunity Act, California Education Code § 66406.9,⁹ and California Education Code §78052¹⁰ and course supplies;

Resolved, That the Academic Senate for California Community Colleges work with the California Community Colleges Chancellor’s Office to ensure that the phrase “instructional materials” is defined as textbooks, supplemental materials, and course supplies, a more inclusive definition than that employed in the Higher Education Opportunity Act’s cost transparency requirements, California Education Code §66406.9¹¹ no-cost section marking requirement, and the California Education Code §78052¹² definition of zero-textbook-costs.

***+07.09 F22 Clarify Components of XB12, the Instructional-Material-Cost Section-Level Data Element**

Whereas, The Academic Senate for California Colleges advocated to establish a course section data element that, at a minimum, differentiates between sections requiring the purchase of a textbook or other instructional materials including those requiring purchase of an access code and all instances when a printed resource is required and not provided, those sections that are zero textbook cost (ZTC) due to the use of no-cost open educational resources, those that are ZTC but the resources have a cost that is not passed on to students, those that use no textbook, and those that are low-cost as defined locally (Resolution S21 11.02)¹³;

Whereas, XB12, Instructional-Material-Cost section level data element, was added to the California Community Colleges Management Information System Data Element Dictionary¹⁴ for implementation in summer 2022;

⁸ California Code of Regulations, title 5, §59402: <https://casetext.com/regulation/california-code-of-regulations/title-5-education/division-6-california-community-colleges/chapter-10-community-college-administration/subchapter-7-instructional-materials/section-59402-definitions>.

⁹ California Education Code §66406.9: <https://codes.findlaw.com/ca/education-code/edc-sect-66406-9.html>.

¹⁰ California Education Code §78052: <https://codes.findlaw.com/ca/education-code/edc-sect-78052/>.

¹¹ California Education Code §66406.9: <https://codes.findlaw.com/ca/education-code/edc-sect-66406-9.html>.

¹² California Education Code §78052: <https://codes.findlaw.com/ca/education-code/edc-sect-78052/>.

¹³ Resolution S21 11.02 Advocate for Development of a ZTC Data Element: <https://asccc.org/resolutions/advocate-development-ztc-data-element>.

¹⁴ California Community Colleges Management Information System Data Element Dictionary can be found at <https://webdata.cccco.edu/ded/xb/xb12.pdf>.

Whereas, While the XB12 Instructional-Material-Cost data element, as introduced, is aligned with the intent of Resolution S21 11.02,¹⁵ components of it are open to interpretation and important distinctions have not been made, including code A (section has no associated instructional material), which is intended for those sections that have no required instructional materials, code B (section uses only no-cost open educational resources), which inappropriately presumes that the only no-cost resources are open educational resources and that all open educational resources are no cost, and code D (section has low instructional material costs as defined locally) which presumes that there is a common understanding of what it means to establish a low-cost definition locally; and

Whereas, The Academic Senate for California Community Colleges encourages colleges to implement a mechanism for identifying course sections that employ low-cost course materials because efforts to substantially decrease the costs of course materials should be recognized (Resolution F17 13.01¹⁶) and recognizing the need for an alternative to the legislated zero-cost designation (California Education Code §66406.9¹⁷), some colleges and districts have implemented a low-cost designation with low-cost being defined as below a locally specified dollar amount;

Resolved, That the Academic Senate for California Community Colleges request that the California Community Colleges Chancellor's Office clarify that XB12 code A is to be used when a course section has no required instructional materials;

Resolved, That the Academic Senate for California Community Colleges work with the California Community Colleges Chancellor's Office to modify the XB12 data element codes to differentiate between those sections that use no-cost open educational resources and those that use other no-cost resources; and

Resolved, That the Academic Senate for California Community Colleges encourage the California Community Colleges Chancellor's Office to clarify that "low instructional materials costs as defined locally" refers to a locally established cost threshold that must not be exceeded.

***09.01 F22 Removing Barriers to the Adoption of Open Educational Resources**

Whereas, The Academic Senate for California Community Colleges encourages local academic senates to establish mechanisms to encourage faculty to consider open educational resources (OER) when developing or revising courses and to document the use of OER on the course outline of record (Resolution S19 09.05¹⁸);

¹⁵ Resolution S21 11.02 Advocate for Development of a ZTC Data Element:
<https://asccc.org/resolutions/advocate-development-ztc-data-element>.

¹⁶ Resolution F17 13.01 Recognition of Course Sections with Low-Cost Course Material Options:
<https://asccc.org/resolutions/advocate-development-ztc-data-element>.

¹⁷ California Education Code §66406.9: <https://codes.findlaw.com/ca/education-code/edc-sect-66406-9.html>.

¹⁸ Resolution S19 09.05 Support the Development of Open Educational Resources (OER):
<https://asccc.org/resolutions/support-development-open-educational-resources-oer>.

Whereas, The Academic Senate for California Community Colleges encourages local academic senates to collaborate with other constituencies to integrate open educational resources into their colleges' guiding resources, including institutional goals, educational master plans, equity plans, accreditation institutional self-evaluation reports, board policies, and administrative procedures or regulations (Resolution S21 13.01¹⁹);

Whereas, The technologies employed to manage curriculum and specify course resources may discourage or prevent specification of an open educational resource on the course outline of record or complicate resource identification by requiring the provision of an international standard book number (ISBN) or a copyright date; and

Whereas, The 2022 Standards, Policies and Procedures for Intersegmental General Education Curriculum Version 2.3²⁰ states that textbooks "must be identified in the Course Outline of Record (COR) and published within seven years of the course submission date or clearly identified as a classic in the COR," a requirement that is also found in the Course Identification Numbering System (Submitting Course Outlines for C-ID Designation A Guide for Articulation Officers ²¹);

Resolved, That the Academic Senate for California Community Colleges support removing the requirement of an international standard book number (ISBN) and a copyright date from all curriculum and articulation processes when open educational resources are specified; and

Resolved, That the Academic Senate for California Community Colleges request that the Intersegmental Committee of Academic Senates review and revise as necessary the "IGETC Standards, Policies and Procedures" to remove any requirements that act as barriers to the use of open educational resources.

***17.02 F22 Textbook Automatic Billing Concerns**

Whereas, Automatic billing or inclusive access strategies have been introduced by publishers and bookstore vendors as a mechanism to grant students access to course resources by billing them for those resources at the time of registration and requiring that a student opt out of the program for all courses if the student determines the program is not beneficial;

¹⁹ Resolution S21 13.01 Institutionalizing Open Educational Resources:

<https://www.asccc.org/resolutions/institutionalizing-open-educational-resources>.

²⁰ Standards, Policies and Procedures for Intersegmental General Education Transfer Curriculum Version 2.3 is located on the Intersegmental Committee of Academic Senates website found at https://icas-ca.org/wp-content/uploads/2022/06/IGETC_STANDARDS-2.3_02June2022-Final.pdf.

²¹ Submitting Course Outlines for C-ID Designation A Guide for Articulation Officers is located on the C-ID website on the Articulations Officers tab under the section titled Submitting Course Outlines for C-ID Designation found at https://c-id.net/articulation-officers#courseoutlines_CID.

Whereas, Inclusive access strategies may be cost-effective in educational settings where students are primarily full-time and efforts to contain textbook costs have been without impact, but such an approach to establishing a zero textbook cost pathway would be inherently unsustainable and inconsistent with the California Education Code §78052²² funding the Zero-Textbook-Cost Degree Grant Program;

Whereas, When the implementation of inclusive access requires students to pay a per unit fee for their resources, these costs may exceed the actual costs of the required resources, misleading students to believe they are saving money or putting the burden on the students to opt out if the arrangement is not financially beneficial; and

Whereas, Inclusive access has come under scrutiny for the challenges it creates for students, such as opt out mechanisms that are unclear or have unrealistic deadlines, implementations where access is temporary, and affordability for some students, as well as approaches that limit faculty academic freedom to choose the best resources for their students;

Resolved, That the Academic Senate for California Community Colleges oppose the use of inclusive access strategies and other approaches that maintain reliance upon commercial publishers, as such mechanisms are not consistent with the intent and requirements of the Zero-Textbook-Cost Degree Grant Program of California Education Code §78052²³; and

Resolved, That the Academic Senate for California Community Colleges urge local academic senates to critically evaluate proposals to employ inclusive access as a means to decrease student costs, with an emphasis on ensuring that savings are being realized and that options for opting out are clear and explicit.

***+17.03 F22 Using Zero Textbook Cost Funds to Support an Open Educational Resource/Zero Textbook Costs Faculty Coordinator**

Whereas, The Academic Senate for California Community Colleges has urged local academic senates to identify an open educational resources (OER) liaison (Resolution F18 17.02)²⁴ and subsequently encouraged local colleges to identify and support a faculty OER coordinator because various opportunities for obtaining funding for local OER efforts require that a coordinator be identified to oversee the work and significant increases in OER usage are reported when a local advocate has dedicated time to support OER adoption (Resolution S19 13.02)²⁵;

Whereas, The Academic Senate for California Community Colleges Open Educational Resources Initiative (OERI) has established and supported a statewide network of OER Liaisons who facilitate OER-related communication between the colleges and the

²² California Education Code §78052:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=78052.

²³ California Education Code §78052:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=78052.

²⁴ Resolution F18 17.02 Establish Local Open Educational Resources Liaisons:

<https://asccc.org/resolutions/establish-local-open-educational-resources-liaisons>.

²⁵ Resolution S19 13.02 Support for Faculty Open Educational Resources Coordinators:

<https://asccc.org/resolutions/support-faculty-open-educational-resources-coordinators-0>.

Academic Senate for California Community Colleges but who may not be locally supported to serve as OER coordinators who would engage in activities above and beyond those of OER Liaisons;

Whereas, Resolution S16 09.09²⁶ asserted the primacy of faculty in curricular decisions regarding degree and program developments, including zero textbook cost (ZTC) degrees and emphasized the need to ensure that the primacy of faculty is retained by including the local academic senate's approval of the development of such degrees, and Phase 1 of the ZTC Program is composed of grants in the amount of \$20,000 awarded to the 115 accredited degree-granting California community colleges to plan the development and implementation of a ZTC degree or certificate program, an endeavor that requires faculty leadership and the support of administration and staff; and

Whereas, The Academic Senate for California Community Colleges (ASCCC) recognizes open educational resources (OER) as the preferred and most sustainable mechanism for eliminating course costs (Resolution F21 03.05),²⁷ positioning the ASCCC OER Initiative and local OER Liaisons to advocate for OER to be the focus when implementing the Zero Textbook Cost Program;

Resolved, That the Academic Senate for California Community Colleges encourage local academic senates to consult with their Open Educational Resources Liaisons when developing their Zero Textbook Cost Program plans;

Resolved, That the Academic Senate for California Community Colleges urge local academic senates to work with their administrations and other appropriate college constituencies to establish a faculty coordinator position that plays a leadership role with respect to the local implementation of the Zero Textbook Cost Program and may serve as the college's Open Education Resources Liaison; and

Resolved, That the Academic Senate for California Community Colleges encourage local academic senates to work with their administrative colleagues to use a portion of the Zero Textbook Cost Program funds to support a faculty coordinator who leads the college's open educational resources and Zero Textbook Cost Program efforts.

²⁶ Resolution S16 09.09 Z-Degrees and Faculty Primacy: <https://asccc.org/resolutions/z-degrees-and-faculty-primacy>.

²⁷ Resolution F21 03.05 Zero Means Zero Textbook Cost: <https://asccc.org/resolutions/zero-means-zero-textbook-cost>.